

3627
#76



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Robert N. Hamlin
Serial No. : 08/692,314
Filed : August 5, 1996
Title : METHOD OF MAKING MULTILAYER ANGIOPLASTY CATHETER
BALLOON

Art Unit : 3627
Examiner : R. Dye

Commissioner for Patents
Washington, D.C. 20231

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REQUEST TO WITHDRAW NOTICE OF ABANDONMENT
UNDER 37 C.F.R. § 1.8(b)

This request is in response to the Notice of Abandonment (copy enclosed) mailed January 13, 2003, which was issued in error.

The Notice of Abandonment indicated that the application was abandoned because of "Applicant's failure to timely file a proper reply to the Office letter mailed on 01 July 2002." Apparently, no reply has been received.

However, a Response to an Office Action mailed July 1, 2002, and a Petition for Three-Month Extension of Time, along with a check that covers the extension fee, were mailed by first class mail on December 30, 2002. Enclosed are copies of the Response, the Petition, and a copy of the canceled check. The Response and the Petition include certifications that these documents were deposited with the United States Postal Service as first class mail with sufficient postage on December 30, 2002. The canceled check indicates that it was paid on January 9, 2003.

Thus, Applicant submits that the Response to the Office Action was timely filed. The Notice of Abandonment was issued in error, and Applicant respectfully requests that it be withdrawn and the application be processed accordingly.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

February 24, 2003

Date of Deposit

Kelly K. Martinson

Signature

Kelly K. Martinson

Typed or Printed Name of Person Signing Certificate

Granted. See R. 863 statement filed 7/14/03.
7/21/03

Applicant : Robert N. Hamlin
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Page : 2

Attorney's Docket No.: 10527-003005 / PC7558D-U.S.

Because the Notice of Abandonment was issued as a result of an error by the Patent Office, no fee is believed to be required. If that is not correct, please charge the required fees to Deposit Account No. 06-1050.

Respectfully submitted,

Date: FEBRUARY 24, 2003

Tu N. Nguyen
Tu N. Nguyen
Reg. No. 42,934

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225 Franklin Street
Boston, Massachusetts 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Case's Docket No. 003005	Express Mail Label No.	M Date D 30, 2002	For PTO Use Only <i>Do Not Mark in This Area</i>
Application No. 08/692,314	Filing Date August 5, 1996	Attorney/Secretary Init JJG/dxc	
Title of the Invention METHOD OF MAKING MULTILAYER ANGIOPLASTY CATHETER BALLOON			
Applicant Robert N. Hamlin			
Enclosures ·Response (7 pages) ·Check in the amount of \$920.00 ·Petition for Extension of Time (3 months) ·Copy of citation of Lampi Corp. v. American Power Products, Inc. 228 F.3d 1365 (Fed. Cir. 2000)			

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125 Franklin Street Boston, Massachusetts 02110-2804		C	
PAY	<i>Nine Hundred Twenty</i>	DOLLARS	
TO THE ORDER OF		DATE	AMOUNT
COMMISSIONER OF PATENTS AND TRADEMARKS		<i>10/23/02</i>	<i>920.-</i>
		FISH & RICHARDSON P.C.	
52-153/112	Fleet Fleet Maine, N.A. www.fleet.com South Portland, ME	BY <i>[Signature]</i> <i>10/27-053005KCH</i>	

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Paid Date = 01/09/2003
Account Number = 80071123
Check Number = 154873
Check Amount = \$920.00

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PAY <u>Nine Hundred Twenty</u>	DOLLARS	
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52-153/112	Fleet Fleet Maine, N.A. www.fleet.com South Portland, ME	BY: <u>[Signature]</u> 11/27-003006KCH
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UNITED STATES PATENT AND TRADEMARK OFFICE

10527-003005
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/692,314	08/05/1996	ROBERT N. HAMLIN	910458.CDA	3428

26161 7590 01/13/2003

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225 FRANKLIN ST
BOSTON, MA 02110

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FISH & RICHARDSON, PC.
BOSTON OFFICE

EXAMINER

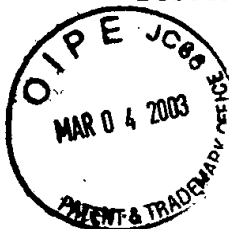
DYE, RENA

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 01/13/2003

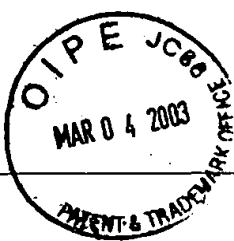


Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED BY PRACTICE SYSTEMS	
Action Code	<u>Abn: PTO Error</u>
Base Date	<u>1-13-03</u>
Due Date	<u>3-13-03</u>
Deadline	<u>-</u>
Initials	<u>PEC On</u>

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Docketed By Billing Secretary	
Due Date:	_____
Deadline:	_____
Initials:	_____



Notice of Abandonment

Application No.

08/692,314

Examiner

Rena L. Dye

Applicant(s)

HAMLIN, ROBERT N.

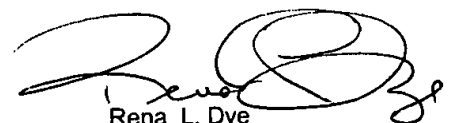
Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 01 July 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


Rena L. Dye
Primary Examiner
Art Unit: 3627

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



**Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01**

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

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1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.